



TPW

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. **10/642,446** Confirmation No.: **1580**
Applicant(s): **KENICHI YOSHIDA**
Filed: **08/15/2003**
TC/A.U. **3753**
Examiner: **Steven J. Ganey**
Title: **CONTROL APPARATUS FOR A FIRE PUMP, OPERATION DISPLAY APPARATUS FOR A FIRE PUMP AND OPERATION MODE CONTROL APPARATUS FOR A FIRE PUMP**

Docket No.: **032405.0601**
Customer No.: **25461**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The requirement for restriction set forth in the Office Action of September 28, 2004, is traversed and reconsideration is respectfully requested.

The patent law, 35 U.S.C. § 121 indicates that restriction may be required if it is found that independent and distinct subject matter is claimed in the application. The Office Action of September 28, 2004 fails to establish that the subject matter is independent and distinct. Therefore, applicant submits the requirement for restriction is improper.

The Office Action alleges restriction is proper because the claimed subject of Claims 21 and 22 could be used in a washing system for automobiles. However, Claim 21 calls for an apparatus for a fire pump and, therefore, is not independent and distinct from Claims 1 to 10. And, clearly, Claim 10 is closely related to Claims 1 to 9. Therefore, reconsideration of the restriction requirement is requested.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2004.


Susan J. Revell

App. No. 10/642,446
Resp. to Restrict. Require. dated Oct. 27, 2004
Resp. to Office Action dated Sept. 28, 2004

Applicant hereby provisionally elects Group I; i.e. Claims 1 to 9.

Examination on the merits is awaited.

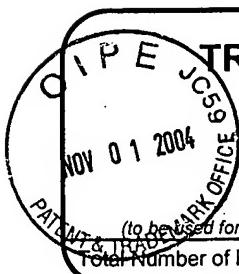
Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	10/642,446
Filing Date	August 15, 2003
First Named Inventor	KENICHI YOSHIDA
Art Unit	3753
Examiner Name	Steven J. Ganey
Attorney Docket Number	032405.0601

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Smith, Gambrell & Russell, LLP		
Signature			
Printed Name	Robert G. Weilacher		
Date	October 27, 2004	Reg. No.	20,531

CERTIFICATE OF TRANSMISSION/MAILING

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Signature	
Typed or printed name	Susan J. Revell
Date	October 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.